

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

<p>In re:</p> <p>THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO,</p> <p>as representative of</p> <p>THE COMMONWEALTH OF PUERTO RICO, <i>et al.</i>,</p> <p>Debtors.¹</p>	<p>PROMESA Title III</p> <p>No. 17 BK 3283-LTS</p> <p>Re: ECF Nos. 3019, 3462, 3502</p> <p>(Jointly Administered)</p>
<p>In re:</p> <p>THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO,</p> <p>as representative of</p> <p>THE COMMONWEALTH OF PUERTO RICO,</p> <p>Debtor.</p>	<p>PROMESA Title III</p> <p>No. 17 BK 3283-LTS</p> <p>This Urgent Motion relates to the Commonwealth, HTA, and PREPA, and shall be filed in Case Nos. 17 BK 3283-LTS, 17 BK 3567-LTS, and 17 BK 4780-LTS.</p>
<p>In re:</p> <p>THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO,</p> <p>as representative of</p> <p>PUERTO RICO HIGHWAYS AND TRANSPORTATION AUTHORITY (“HTA”),</p>	<p>PROMESA Title III</p> <p>No. 17 BK 3567-LTS</p> <p>Re: ECF No. 461, 462</p>

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

Debtor.	
In re: THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO, as representative of PUERTO RICO ELECTRIC POWER AUTHORITY, Debtor.	PROMESA Title III No. 17 BK 4780-LTS Re: ECF No. 906, 910

URGENT MOTION FOR BRIEF EXTENSION OF DEADLINES

To the Honorable United States District Court Judge Laura Taylor Swain:

COMES NOW Autonomous Municipality of Ponce (hereafter, “AMP”), and respectfully submits this urgent motion for entry of an order, substantially in the form attached hereto as **Exhibit A** (the “Proposed Order”), extending the deadlines set forth in the *Order Granting Urgent Joint Motion for Extension of Deadlines in Connection with Autonomous Municipality of Ponce’s Motion for Partial Lift of Stay* [ECF No. 3502 in Case No. 17-03283, ECF No. 462 in Case No. 17-03567, ECF No. 910 in Case No. 17-4780] (the “Amended Scheduling Order”).²

² The Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as the Debtors’ representative pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”), has authorized AAFAF to file this urgent motion on behalf of HTA.

Request for Relief

1. On May 4, 2018, the Autonomous Municipality of Ponce (the “Movant”) filed the *Motion for Partial Lift of Stay* [Case No. 17-03283, ECF No. 3019] (the “Motion”), seeking relief from the automatic stay to allow the Prepetition Action to proceed, except for any evidentiary hearing on damages, and for the judgment entered on June 24, 1996 in the Prepetition Action before the Commonwealth Court (the “Prepetition Judgment”) to be enforced, except for any judgment or settlement for damages. Motion 9, 15.

2. The Prepetition Judgment requires, HTA, among others, to complete all construction projects detailed in a prepetition *Agreement for the Development of Programed Projects between the Central Government and the Municipality of Ponce*, dated October 28, 1992 (the “Development Agreement”).

3. On July 13, 2018, the Court entered the Amended Scheduling Order, which provides that opposition papers to the Motion must be filed by July 19, 2018 at 5:00 p.m., and Movant’s reply papers must be filed by July 26, 2018 at 5:00 p.m.

4. On July 19, 2018 Debtor HTA file a Motion for brief extension of time, see docket 3648. That motion was granted, see docket 3651 and Movant got until today at 5:00PM to submit their reply to all Debtors Answers and/or oppositions.

5. In their Oppositions, Debtors allege, without any supporting document of any exhibit, that “To fulfill their obligations under the Development Agreement pursuant to the Prepetition Judgement, the Commonwealth would have to expend over \$100 million;” see docket 3439 page 1.

6. Movant understand that the above mention allegation was not correct but in order to put this Court under the proper scope of how many projects was terminated accordingly to the Judgement, how many are pending but under construction, how much of those are completely with federal fund, how much of those require a Debtor funding from the General budget.

7. Do to the local holidays in the present month and the summer vacations of most of the public employee, Movant could not obtain all the above describe evidence or information yet.

8. In order to properly present to the Court real scope of the projects pending and the cost or local proportion of the budget necessarily to performs, Movant needs a brief extension of time of five (5) business days, to file a Reply to the Motion in Opposition. In consideration of the foregoing, Movant AMP respectfully requests an extension of the deadlines set forth in the Amended Scheduling Order:

- The deadline to file oppositions to the Motion, or to otherwise respond, WAS be extended to **July 20, 2018**.
- The deadline for Movant to file a reply to any oppositions shall be extended to **August 3, 2018**.

9. Pursuant to Paragraph 1.H of the *Fourth Amended Notice, Case Management and Administrative Procedures* [Case No. 17 BK 32830 ECF No. 2839-1] (the “Case Management Procedures”), AMP hereby certifies that it has carefully examined the matter and concluded that there is a true need for an urgent motion; it has not created the urgency through any lack of due diligence; has made a bona fide effort to resolve the matter without a hearing; has made reasonable, good-faith communications in an effort to resolve or narrow the issues that are being brought to the Court.

Notice

10. Movant AMP has provided notice of this motion in accordance with the Case Management Procedures to the following parties: (a) the Office of the United States Trustee for the District of Puerto Rico; (b) the indenture trustees and/or agents, as applicable, for the Debtors’ bonds; (c) the entities on the list of creditors holding the 20 largest unsecured claims against COFINA; (d) counsel to the statutory committees appointed in these Title III cases; (e) the Office of the United States Attorney for the District of Puerto Rico; (f) counsel to the Oversight Board; (g) the Puerto Rico Department of Justice; (h) the Other Interested Parties;³ (i)

all parties filing a notice of appearance in these Title III cases; and (j) Movant. A copy of the motion is also available on the Debtors' case website at <https://cases.primeclerk.com/puertorico/>.

11. MOVANT AMP hereby submits that, in light of the nature of the relief requested, no other or further notice need be given.

WHEREFORE, AMP respectfully requests the Court enter the Proposed Order and grant such other relief as is just and proper.

Dated: July 27, 2018
Ponce, Puerto Rico

Respectfully submitted,

/s/Carlos Fernández-Nadal
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